

House File 2214 - Introduced

HOUSE FILE 2214

BY LONDON

A BILL FOR

1 An Act prohibiting gifts to elected officials upon or after
2 leaving office and making penalties applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **68B.9 Gifts or other benefits upon**
2 **or after leaving office — prohibition.**

3 A statewide elected official, a member of the general
4 assembly, or an elected local official shall not accept
5 or receive any gift or any impermissible benefit upon or
6 after leaving office that was approved or authorized by the
7 statewide elected official, member of the general assembly,
8 or local official prior to leaving office. For purposes of
9 this section, "*impermissible benefit*" means anything of value
10 in the nature of deferred compensation or a deferred benefit
11 for service while in office that is not otherwise provided to
12 employees within the jurisdiction of the governing body of the
13 elected official or member of the general assembly.

14 Sec. 2. Section 68B.34, Code 2013, is amended to read as
15 follows:

16 **68B.34 Additional penalty.**

17 In addition to any penalty contained in any other provision
18 of law, a person who knowingly and intentionally violates a
19 provision of sections 68B.2A through ~~68B.8~~ 68B.9, sections
20 68B.22 through 68B.24, or sections 68B.35 through 68B.38
21 is guilty of a serious misdemeanor and may be reprimanded,
22 suspended, or dismissed from the person's position or otherwise
23 sanctioned.

24 Sec. 3. Section 331.907, subsection 1, Code 2014, is amended
25 to read as follows:

26 1. The annual compensation of the auditor, treasurer,
27 recorder, sheriff, county attorney, and supervisors shall
28 be determined as provided in this section. The county
29 compensation board annually shall review the compensation
30 paid to comparable officers in other counties of this state,
31 other states, private enterprise, and the federal government.
32 In setting the salary of the county sheriff, the county
33 compensation board shall consider setting the sheriff's salary
34 so that it is comparable to salaries paid to professional
35 law enforcement administrators and command officers of the

1 state patrol, the division of criminal investigation of the
2 department of public safety, and city police agencies in
3 this state. The county compensation board shall prepare a
4 compensation schedule for the elective county officers for the
5 succeeding fiscal year. The county compensation board shall
6 not make any recommendation concerning compensation or any
7 other benefit provided upon leaving office. A recommended
8 compensation schedule requires a majority vote of the
9 membership of the county compensation board.

10 EXPLANATION

11 The inclusion of this explanation does not constitute agreement with
12 the explanation's substance by the members of the general assembly.

13 This bill prohibits a statewide elected official,
14 legislator, or local elected official, from accepting or
15 receiving a gift or any impermissible benefit upon or after
16 leaving office that was approved or authorized by the official
17 or legislator prior to leaving office. The bill defines
18 impermissible benefit as anything of value in the nature of
19 deferred compensation or a deferred benefit for service while
20 in office that is not otherwise provided to other employees
21 of the applicable governing body. Code section 68B.2 defines
22 "gift" as a rendering of anything of value in return for which
23 legal consideration of equal or greater value is not given and
24 received.

25 Code section 68B.34, providing additional penalties under
26 the government ethics and lobbying Code chapter, is amended to
27 provide that a person who violates this new provision is guilty
28 of a serious misdemeanor.

29 Code section 331.907, concerning county compensation boards,
30 is amended to prohibit the board from making any recommendation
31 concerning compensation or other benefit provided to an
32 elective county officer upon leaving office.